

## **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed October 19, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

### **I. Claim Rejections - 35 U.S.C. § 103(a)**

#### **A. Rejection of Claims 18, 23, 35, 36, 37, 39, and 40**

Claims 18, 23, 35, 36, 37, 39, and 40 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Utsugi* (U.S. Pat. No. 4,198,960) in view of *Rydell* (U.S. Pat. No. 5,163,942). Applicant respectfully traverses this rejection.

As indicated above, independent claim 23, from which all previously-presented claims depend, has been amended through this Response. In view of those amendments, Applicant respectfully submits that the rejections are moot as having been drawn against Applicant's claims in a separate form. Applicant therefore requests that the rejections be withdrawn.

Regarding the merits of the applied references, Applicant notes that *Utsugi* and *Rydell* at least fail to teach or suggest "a first operating member having a proximal end positioned within the handle and a distal end positioned adjacent the distal end of the sheath such that the first operating member extends from within the handle and into the sheath", "a second operating member having a proximal end positioned within the handle and a distal end positioned adjacent the distal end of the sheath such that the second operating member extends from within the handle and into the sheath", "a three-dimensional basket having at least three legs, each leg having a proximal end

and a distal end . . . the proximal end of first and second legs being connected to the distal end of the first operating member, and the proximal end of a third leg being connected to the distal end of the second operating member”, or “a first actuator configured to extend the first operating member so as to extend the first and second legs and to simultaneously retract the second operating member so as to retract the third leg”. Applicant notes that Rydell’s “gear racks 204 and 206” do not comprise “operating members” in the manner recited in claim 23.

**B. Rejection of Claims 23, 24, 37, and 38**

Claims 23, 24, 37, and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rydell* in view of *Utsugi*. Applicant respectfully traverses this rejection.

As indicated above, independent claim 23, from which all previously-presented claims depend, has been amended through this Response. In view of those amendments, Applicant respectfully submits that the rejections are moot as having been drawn against Applicant’s claims in a separate form. Applicant therefore requests that the rejections be withdrawn.

**C. Rejection of Claim 33**

Claim 33 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Utsugi* and *Rydell* as applied claim 23, in further view of *McClellan, et al.* (“McClellan,” U.S. Pub. No. 2002/0019594). Applicant respectfully traverses this rejection.

As indicated above, independent claim 23, from which all previously-presented claims depend, has been amended through this Response. In view of those

amendments, Applicant respectfully submits that the rejection is moot as having been drawn against Applicant's claim in a separate form. Applicant therefore requests that the rejection of claim 33 be withdrawn.

#### **D. Rejection of Claim 34**

Claim 34 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Utsugi* and *Rydell* as applied claim 23, in further view of *Bates, et al.* ("Bates," U.S. Pat. No. 6,527,781). Applicant respectfully traverses this rejection.

As indicated above, independent claim 23, from which all previously-presented claims depend, has been amended through this Response. In view of those amendments, Applicant respectfully submits that the rejection is moot as having been drawn against Applicant's claim in a separate form. Applicant therefore requests that the rejection of claim 34 be withdrawn.

#### **II. Canceled Claims**

Claims 1-22, 25-32, 35, 36, and 39-40 have been canceled from the application without prejudice, waiver, or disclaimer. Applicant reserves the right to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

#### **III. New Claims**

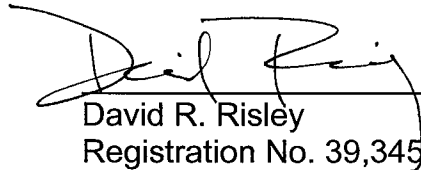
Claims 41-43 have been added into the application through this Response. Applicant respectfully submits that these new claims describe an invention novel and

unobvious in view of the prior art of record and, therefore, respectfully requests that these claims be held to be allowable.

### **CONCLUSION**

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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